

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF WINSLOW, ARIZONA

PROJECT NO. I-40-4(62)

THIS AGREEMENT, entered into this 27th day of June, 1979, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY of WINSLOW, ARIZONA, hereinafter called CITY.

WHEREAS, STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE; and

WHEREAS, CITY is empowered by A.R.S. Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A", resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY; and

WHEREAS, CITY has, by Resolution No. 519, dated September 12, 1978, authorized the implementation of the Winslow Bicycle System as part of the Winslow Comprehensive Plan; and

WHEREAS, the first phase of said system requires the use of the existing right of way and underpass of Interstate Highway 40 (Winslow Interstate Freeway) within which to construct a 3,080 linear foot segment; and

WHEREAS, CITY desires the assistance of STATE to secure federal aid for the construction of said first phase; and

WHEREAS, the plans for said first phase have been approved by both parties hereto and the Federal Highway Administration, hereinafter called FHWA; and

WHEREAS, both parties want said first phase to be built as part of the Arizona Department of Transportation's Project I-40-4(62) which is currently underway.

THEREFORE, the parties hereto covenant and agree as follows:

STATE shall:

1. Add the first phase of said bicycle system to Project I-40-4(62) by change order.
2. Administer the construction of said first phase in accordance with established procedures.
3. Secure and apply funds that have been approved by FHWA for 95% of the construction costs of this project.
4. Bill CITY for the remaining 5% of said construction costs and for STATE'S administrative costs.
5. Allow CITY to enter upon the existing right of way of Interstate Highway 40 to operate and maintain said bicycle system and to perform all necessary incidents thereto. All activities relating to the operation and maintenance of said bicycle path shall be performed in such a manner as to insure the safety of the traveling public using the Interstate Highway.

CITY SHALL:

1. Allow State's contractor to use all city streets, alleys and other land necessary for the construction of said bicycle path and for ingress and egress to the construction site.
2. Promptly reimburse State for its administrative costs and 5% of the construction costs of this project. City's share of the construction costs shall be based on actual costs at time of construction, estimated at this time to be 5% of \$100,000.00 or \$5,000.00.
3. If needed, provide any additional right of way required to complete said first phase of the bicycle system.
4. Be responsible for the operation and maintenance of said system and all costs related thereto. Said costs are to be included in the City's annual budget.
5. Save and hold State harmless from all liability however arising to any and all persons, whether for personal injuries or otherwise and from any claim of any person of damage to or loss of property by reason of use and maintenance of said bicycle system or by reason of anything done or permitted to be done or omitted to be done by City, its agents, employees or the cycling public in and about the area of the bicycle system.

IN GENERAL:

1. This Agreement shall remain in force and effect until the work herein embraced has been completed in accordance with the terms of the Agreement or until earlier terminated by either STATE or CITY upon thirty (30) days' written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement.
2. This Agreement shall be filed with the Secretary of State and shall become effective on the date of its being filed with the Secretary of State.
3. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: *W. J. O'Donoghue*
Title: *Director*

CITY OF WINSLOW, ARIZONA
By: *[Signature]*
Title: *Mayor*

WITNESSES:

Approved As To Form:

Josephine M. Green
CITY CLERK

[Signature]
CITY ATTORNEY

RESOLUTION NO. 532

WHEREAS, the Winslow City Council, by Resolution No. 519, dated September 12, 1978, has adopted the Winslow Bicycle System as the official bicycle plan for the City, and

WHEREAS, the first phase of construction of said bicycle plan requires a crossing of the existing right of way of Interstate Highway 40, and

WHEREAS, an agreement is required between the City and the State of Arizona, acting by and thru its Department of Transportation, to specify the obligations and responsibilities of each party.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WINSLOW, as follows:

1. Authorization is hereby given for the City to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the construction of the first phase of the Winslow Bicycle System crossing the interstate highway right of way, which upon completion shall be submitted for final approval and execution.

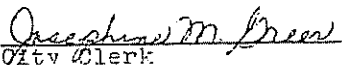
2. Mayor Harry R. Bates is hereby authorized to sign the agreement on behalf of the City upon being approved by the City Attorney.

3. Due to the urgency of the State's construction schedule, a state of emergency is declared to exist and said agreement shall take effect and be in force immediately upon its being filed in the Office of the Secretary of State.

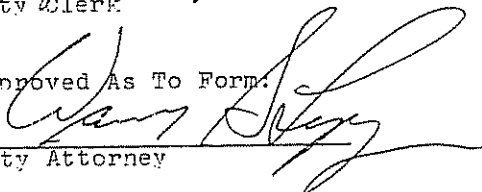
PASSED and ADOPTED by the City Council of Winslow, on the 19 day of June, 1979.


Mayor

ATTEST:


City Clerk

Approved As To Form:


City Attorney

WRL:db
6-18-79

EXHIBIT "A"

RESOLUTION

Be It Resolved on this 22nd day of June, 1979, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that, pursuant to A.R.S. 28-108, it is in the best interest of the State of Arizona for the Department of Transportation, acting by and through its Highways Division, to enter into an Intergovernmental Agreement with the City of Winslow for the construction of a bicycle path which will utilize part of the right of way for Interstate Highway 40 (Flagstaff - Holbrook Highway).

Therefore, authorization is hereby given to draft said agreement, which, upon completion, shall be submitted for approval and execution.



W. A. Ordway, Director
Arizona Department of Transportation

I-40-4(62)

RESOLUTION NO. 527

WHEREAS, the Winslow City Council did receive a report on the Winslow Bicycle System from the Planning and Zoning Commission and the Bicycle Committee at its meeting of July 11, 1978, and did pass and adopt the Winslow Bicycle System as a part of the Winslow Comprehensive Plan, and,

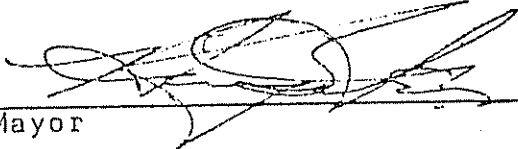
WHEREAS, the Arizona Department of Transportation (ADOT) has agreed to construct, at approximately 5% local cost, the first segment of that Bicycle System as part of the I-40 bypass project, and,

WHEREAS, the Federal Highway Administration (FHWA), in order to ensure the most efficient utilization of public monies, does require that this federally-funded segment be connected at each end by local bicycle paths, and,

WHEREAS, the City of Winslow wishes to exhibit local sincerity in a project of such overall community benefit;

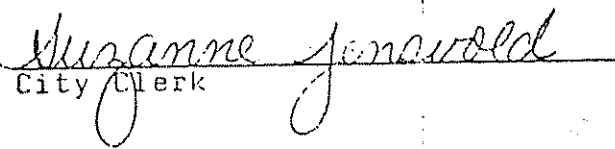
NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WINSLOW THAT, the City of Winslow agrees to set aside the necessary appropriations in the 1980 fiscal year budget in order to develop the necessary connectors to the I-40 segment.

PASSED AND ADOPTED by the City Council of the City of Winslow, Arizona, on the 17th day of April, 1979.



Mayor

ATTEST:



City Clerk

RECEIVED
APR 25 1979

Local Government
Section

RESOLUTION NO. 519

WHEREAS, the bicycle is recognized as an important means of transportation for many Winslow residents, and

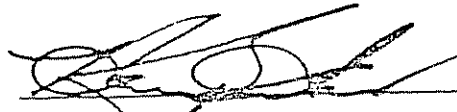
WHEREAS, the Winslow Planning and Zoning Commission on June 29, 1978 held a public hearing on the Winslow Bicycle System, a comprehensive, city-wide network of bicycle paths and trails recommended by the Winslow Bicycle Committee, and

WHEREAS, the Winslow City Council did receive a report on the Winslow Bicycle System from the Planning and Zoning Commission and the Bicycle Committee at its meeting of July 11, 1978 and did pass and adopt the Winslow Bicycle System as a part of the Winslow Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WINSLOW, as follows:


1. The Winslow Bicycle System, as presented in the June 29, 1978 version of the plan, is declared to be the official bicycle plan for the City and will be incorporated as an element of the Winslow Comprehensive Plan when that document is adopted.
2. All motorized traffic, other than emergency or maintenance vehicles, will be banned from those portions of the Winslow Bicycle System which are physically separated or distinct from the existing street system.
3. All operation and maintenance expenses necessary for proper up-keep and use of the Winslow Bicycle System will be borne by the City.
4. The local matching funds, approximately 5%, required for construction of the Winslow Bicycle System will be furnished by the City.

PASSED and ADOPTED by the City Council of the City of Winslow, on the 12th day of September, 1978.



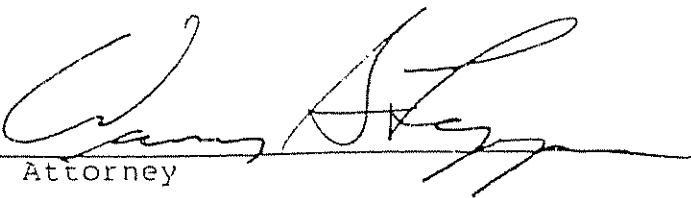
Mayor

ATTEST:



City Clerk

AS TO FORM:


City Attorney

OFFICE MEMO

February 20, 1979

TO: ARCHIE B. LOWE
Manager
Local Government Assistance

FROM: JESS S. JARVIS
State Planner
Local Government Assistance

SUBJECT: Construction Timing of Winslow Bike Path Connectors

On October 19, 1978, John Bivens received correspondence from Tom Willett about FHWA's agreement to build a bike path as an incidental part of the I-40-4(62) surfacing project subject to the following:

- "1. The construction plans for the bikeway are developed in time to be included in the project (by Change Order, if necessary),
- "2. The City demonstrates that the bikepath along I-40 will connect at each end with a constructed functioning bikeway built according to the adopted plan."

On February 15, 1979, Howard Boswell of FHWA informed me that the term "constructed functioning bikeway" may be demonstrated by a resolution from the Winslow City Council stating the following:

1. Bike path connectors' construction funds are budgeted.
2. These funds are committed for bike path connectors' construction.
3. The bike path connectors will be constructed within a specific period of time.

This clarification will permit the City's budget and appropriation process to proceed in orderly manner. The question arose in Winslow when it was learned that the bikepath along I-40 may be constructed in January 1980, months ahead of feasible completion of the bikeway connectors.


JESS JARVIS

EA

CC: John Bivens
Howard Boswell
Joe Mertz
Walt Pellett
Al Rohr



ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

District 4

2407 E. Navajo Blvd. - P.O. Box 280
Holbrook, Arizona 86025

BRUCE BABBITT
Governor

WILLIAM A. ORDWAY
Director

OSCAR T. LYON, JR., P.E.
Assistant Director
and State Engineer

May 17, 1979

Mayor Harry R. Bates
City of Winslow
P. O. Drawer L, City Hall
Winslow, Arizona 86047

RE: Project 1-40-4(62)
Winslow Bypass Illumination

Dear Mayor Bates:

This is in response to your letter of May 8, 1979 concerning adequate lighting for the proposed bicycle path in the City of Winslow.

It is our opinion that lighting of the path should be considered not only through the underpass under the freeway, but also in its entire length both within and without the Interstate right of way. Since this is a local project, this lighting should be arranged for by the sponsoring agency, in this case the City of Winslow.

After discussing the matter with Mr. Carlie Bowmer, State Traffic Engineer, under whose jurisdiction highway lighting falls, I am advised that he will make members of his staff available to discuss various options and standards which might be open to providing the project with the illumination required within the Interstate right of way. He may be reached in Phoenix at 261-7371.

I trust this will assist you in defining responsibility and an action plan for adequate illumination.

Sincerely,

Eugene F. Ireland, P. E.
District 4 Engineer

EF1:pa

cc: J. B. Mertz
C. Bowmer
W. Pellett



OFFICE MEMO

May 30, 1979

TO: EUGENE IRELAND
District Engineer
District IV

FROM: WALTER E. PELLETT
Assistant State Engineer
Local Government Section

SUBJECT: Project I-40-4(62)
Winslow Interstate Freeway
Winslow's Bike Path

The attached sheets are for your use in initiating a change order on this project to include Winslow's bike path. These sheets were prepared by the City of Winslow.

If there are any questions, please call me or contact Winslow's City Engineer, Richard Sumner, at 289-2422.


WALTER E. PELLETT

WEP:pck

Attachments

cc: Al Rohr, NACOG



OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 79-459 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 26 day of June, 1979.

ROBERT K. CORBIN
Attorney General

A handwritten signature in dark ink, appearing to read "James R. Redpath".

JAMES R. REDPATH
Assistant Attorney General

NO. 5343
FILED WITH SECRETARY OF STATE
Date Filed June 27-79
A handwritten signature in dark ink, appearing to read "Rose".
Secretary of State